

## **MINUTES**

### **DEPARTMENT OF HEALTH BOARD OF PHARMACY FULL BOARD MEETING**

**August 9-10, 2016**

**St. Petersburg Marriott Clearwater**

**12600 Roosevelt Blvd**

**St. Petersburg, Florida 33716**

**(727) 456-1428**

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#### **Board Members**

Debra B. Glass, BPharm, Chair,  
Tallahassee

Mark Mikhael, PharmD, Vice-Chair,  
Orlando

Michelle Weizer, PharmD, Boca Raton

Goar Alvarez, PharmD, Cooper City

Leo "Lee" Fallon, BPharm, PhD,  
The Villages

Gavin Meshad, Consumer Member,  
Sarasota

Jeenu Philip, BPharm, Jacksonville

Jeffrey J. Mesaros, PharmD, JD, Orlando

David Bisaillon, Consumer Member,  
Bradenton

#### **Board Staff**

Allison Dudley, Executive Director

Alexandra Meredith, Regulatory Supervisor

#### **Board Counsel**

David Flynn, Assistant Attorney General

Larry Harris, Assistant Attorney General

#### **Department of Health Staff**

Matthew Witters, Assistant General  
Counsel

Christopher Jurich, Assistant General  
Counsel

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

**Tuesday, August 9, 2016**

Chair Debra Glass called the meeting to order at 8:09 a.m.

Moment of Silence for Victims of Orlando Pulse Shooting including the following Pharmacy licensees:

- **Stanley Almodovar, R.P.T.**
- **Amanda Alvear, R.P.T.**

## **TAB 1: REPORTS – Debra Glass, BPharm, Chair**

### **A. Chair's Report – Debra Glass, BPharm, Chair**

#### **1. District III Update**

Ms. Glass, Dr. Mikhael, Dr. Mesaros, Mr. Philip, and Ms. Dudley are attending. Mr. Philip announced that Dr. Mesaros is going to be on the ballot for representative on the executive committee. District III update will be provided at the next board meeting.

#### **2. FSHP Annual Update- Dr. Weizer**

Dr. Weizer discussed the FSHP meeting that she and Dr. Mikhael attended. There were between 900-1,000 attendees at the meeting. CE courses were offered for technicians, consultants, and pharmacist CE courses. Dr. Mikhael presented the controlled substance CE. Dr. Weizer presented at the director's forum. Dr. Weizer gave a Board of Pharmacy update to each session. It was the 50<sup>th</sup> anniversary of FSHP meetings. There was one pharmacist who was recognized during this for attending all 50 FSHP meetings.

#### **3. FPA Update- Dr. Fallon**

Dr. Fallon discussed the 126<sup>th</sup> annual FPA conference held in Ft. Myers, FL. There were 481 pharmacists and 50 vendors in attendance. CE provider workshops were provided by Marcia Mann and the 50 year pharmacist certificates were given out to those in attendance. The House of Delegates had 13 proposed resolutions and of these 9 were approved, 3 were denied, and 1 was withdrawn.

### **B. Executive Director's Report – Allison Dudley, Executive Director**

#### **1. Board Report July 1, 2015-July 1, 2016**

Ms. Dudley drafted a board report for the FSHP meeting and the FPA meeting. This report is attached for an information purpose to the board and public.

## 2. Discussion of NAPLEX Letter

Ms. Dudley discussed the letter sent out regarding the NAPLEX from the NABP. This letter references the upcoming reduction of waiting time between exams beginning November 1<sup>st</sup>. This letter also states that the NABP left the decision up to the board to decide before this date if a waiver of the wait time of 90 days could be provided down to 45 days. Mr. Flynn advised that the policies and procedures of the exam belong to the NABP according to the statutes. Mr. Philip states that he is in agreement with Mr. Flynn about this decision belonging to the NABP. Ms. Glass, Mr. Philip, and Dr. Weizer all discuss that the decision must be across the board for all applicants taking the exam. The decision of the board is to defer to the NABP's date of November 1<sup>st</sup> for the change. Ms. Dudley will provide a letter to the NABP and the applicants that have requested a petition advising that the board will not make a determination on the waiver and to defer to the NABP's policies and procedures.

### C. Attorney General's Report - David Flynn, Assistant Attorney General

#### 1. Monthly Rules Report- Lawrence Harris, Assistant Attorney General

Mr. Harris advised that many rules were adopted and significant progress has been made. Mr. Harris references all rules that have been filed for adoption with the dates that they are to be adopted. The sterile compounding rules that Mr. Flynn has been working on have also been filed for adoption at this time.

#### 2. Petition for Variance or Waiver

##### a. Adventist Health

Mr. Martin Dix approached the board to represent Adventist Health. Mr. Flynn advised that this variance is allowing a waiver from the rule in a sterile compounding facility regarding the tile and caulking in the facility in a gasketed ceiling. Mr. Dix presented information showing a hardship in having to meet the requirement in the rule. Dr. Weizer advised that the ceiling would have to maintain an ISO 7 environment involving the type of materials needed to ensure the maintenance of the environment.

Motion: by: Dr. Weizer, to accept petition for Variance or Waiver.  
Motion carried.

## 3. Annual Regulatory Plan

Mr. Harris advised that this Annual Regulatory Plan is due October 1<sup>st</sup>. This plan includes the discussion of legislation and rules that have been passed. Mr. Harris provides options to the board for completing the plan by either each reviewing, signing off on, then returning or they may delegate to the chair to do so.

Motion: by: Dr. Weizer, to delegate to the chair to review and sign off on the Annual Regulatory Plan. Motion carried.

#### D. Investigative Services Report – Mark Whitten, Chief of Enforcement

Robert DiFore with ISU provided this report to the Board.

Mr. DiFore stated out of 5,723 pharmacies, 5,723 have been inspected. (100 %).

Mr. DiFore stated that 484 resident sterile pharmacies were inspected, this year changing the percentage to (82.44 %) from (77.43 %) last year.

Mr. DiFore advised that 3 Non-Resident Pharmacy inspections were completed.

Mr. DiFore advised that 875 change of location inspections were completed in 20 days or less, which is down from 29 days.

#### E. Tim Koch, Walmart

##### 1. Technology Changes at Central Fill Pharmacy

Tim Koch and the operating team from Wal-Mart presented technology changes in reference to 64B16-28.608. Mr. Koch advised on the current process and purpose of the central fill pharmacy for Wal-Mart. The proposed change includes an alternate pharmacist verification in which medications are verified on the front end instead of the back end and the replenishment is done offline away from the production line. Mr. Koch requests a clarification of the term “loading” in the referenced rule from the board. The board discusses the action of loading and how this is referenced in the rule. Mr. Flynn advised that he will review the information and rule and save to be discussed at the October meeting in the Rules Committee.

#### F. Martin Dix, Esq.

##### 1. Discussion of the 2006 Petition for Declaratory Statement

Mr. Dix states that it is clear what the Declaratory Statement says so the request is withdrawn.

## 2. PetMed Express, Inc. - Petition for Variance

Mr. Dix advised that this PetMed Express is moving locations and will need to list one Prescription Department Manager at two locations for a temporary amount of time. This is a variance from the rule stating that a Prescription Department Manager can only serve as such for one pharmacy location.

Motion: by: Dr. Weizer, to approve the petition for variance. Motion carried.

### **TAB 2: BUSINESS – Debra Glass, BPharm, Chair**

#### **A. Ratification of Issued Licenses/Certificates & Staffing Ratios**

1. Pharmacist (Licensure) (Client 2201) – 205
2. Pharmacist (Exam Eligibility) (Client 2201) – 664
3. Pharmacist Interns (Client 2202) – 145
4. Registered Pharmacy Technicians (Client 2208) – 1,291
5. Consultant Pharmacist (Client 2203) – 33
6. Nuclear Pharmacist (Client 2204) – 0
7. Pharmacy/Facilities (Client 2205) – 131
8. Nonresident Sterile Compounding (Client 2210) – 2
9. CE Providers – 11
10. CE Courses – 19
11. CE Individual Request (Approved) – 0
12. CE Individual Request (Denied) – 0

Motion: by: Dr. Weizer, to approve ratification of issued licenses. Motion carried.

#### **B. Review and Approval of Minutes**

1. June 7, 2016 Rules Committee Meeting Minutes

Motion: by: Dr. Fallon, to approve meeting minutes. Motion carried.

2. June 7-8, 2016 Full Board Meeting Minutes

Motion: by: Dr. Alvarez, to approve meeting minutes. Motion carried.

3. July 29, 2016 Full Board Meeting Minutes

Motion: by: Dr. Fallon, to approve meeting minutes. Motion carried.

**TAB 3: APPLICATIONS REQUIRING BOARD REVIEW – Jeenu Philip, BPharm**

A. Pharmacist Applications

1. Emil Veltre, File: 47409

Applicant was present and sworn in. Applicant was not represented by counsel.

Discussion: David Flynn advised the board of the three methods for becoming licensed with the department. Advised of the PARE exam as a method if the board approves as it is included in the statute for endorsement.

Motion: by Dr. Weizer to approve the taking of the PARE exam for a method of licensure under the statute for endorsement as long as applicant is made eligible with NABP and sits for the exam within one year of application being received. Motion carried.

Motion: by Dr. Weizer, to approve the application based on passing of PARE exam as a mode to continue endorsement. License will be approved and issued once passing score of PARE exam is received. Motion carried.

2. Jocelyn Zuessman, File: 49211

Applicant was present and sworn in. Applicant was represented by counsel.

Discussion: Martha Brown from PRN advised that the applicant is currently in PRN and in compliance with the program.

Motion: by Dr. Mikhael, to approve the application. Motion carried.

3. Andrea Economy, File: 39904

Applicant was present and sworn in. Applicant was represented by counsel.

Discussion: Martha Brown from PRN advised that the applicant is currently in PRN and in compliance with the program.

Motion: by Dr. Fallon, to approve the application. Motion carried.

4. Thomas Norkus, File: 48221

Applicant was not present. Applicant was not represented by counsel.

Discussion: Dr. Fallon and Dr. Weizer agree that the applicant should be denied based on the applicant's status of still on probation as well as the types of violations that the applicant committed.

Motion: by Ms. Glass, to deny the application with the opportunity to withdraw within seven days. Motion carried.

5. Vanesa McGill-Robinson, File: 42592

Applicant was not present. Applicant was not represented by counsel.

Discussion: The applicant had a required appearance at either the September or October meeting. The board move to continue to October and require the applicant's appearance.

6. Calvin Tyree, File: 48135

Applicant was present and sworn in. Applicant was not represented by counsel.

Discussion: Dr. Mikhael and Ms. Glass discussed that the applicant had not had enough practice as a pharmacist in recent years to be able to practice safely as a pharmacist.

Motion: by Dr. Mikhael, to deny the application based on prior discipline with the opportunity to withdraw the application within seven days. Motion carried.

B. Registered Pharmacy Technician

1. Jennifer Maria Griffin, File: 67285

Applicant was not present. Applicant was not represented by counsel.

Discussion: The applicant had a required appearance at either the September or October meeting. The board move to continue to October and require the applicant's appearance.

2. Stacie E. Foster, File: 69081

Applicant was present sworn in. Applicant was not represented by counsel.

Motion: by: Dr. Weizer, to move for a continuance of the application until a PRN evaluation advocating for the applicant is received by the chair. Motion carried.

3. Bertha Harper, File: 71774

Applicant was not present. Applicant was not represented by counsel.

Motion: by: Dr. Weizer, to require appearance at one of the next two meetings. Motion carried.

C. Community Pharmacy Permit

1. Best Care dba ASPCARES, File: 23728

Applicant was present and sworn in. Applicant was represented by counsel Bayo.

Motion: by: Mr. Philip, to continue to October meeting to allow the application to be amended. Motion carried.

2. USRX Pharmacy LLC, File: 23656

Applicant was not present. Applicant was represented by counsel.

Discussion: The board members discussed that all issues the pharmacy had stemmed from a machine that the pharmacy no longer owns and operates.

Motion: by: Mr. Philip, to approve the application once a passing inspection is received. Motion carried.

D. Non-Resident Pharmacy Permit

1. The Diennet Pharmacy, File: 23701

Applicant was not present. Applicant was not represented by counsel.

Discussion: The applicant had a required appearance at either the September or October meeting. The board move to continue to October and require the applicant's appearance.

2. Curerx Compounding Pharmacy, Inc., File: 23643



Applicant was not present. Applicant was not represented by counsel.

Discussion: The applicant had a required appearance at either the September or October meeting. The board move to continue to October and require the applicant's appearance.

3. Nextron, Inc. File: 23684

Applicant was represented by Simone Cimino, who was present and sworn in.

Motion: by: Dr. Mikhael, to approve the application. Motion carried.

**Public Comment:**

Tom Quomo made a statement about using pharmacists for customer feedback and allowing an open house for pharmacists to voice any concerns to the board.

Allison Dudley advised that the next board meeting in October would be held in Kissimmee on October 18-19.

**Wednesday, August 10, 2016**

Chair Debra Glass called the meeting to order at 8:04 a.m.

**TAB 4: COMMITTEE REPORTS & ACTIONS (FROM 8/9/16)**

1. Rules Committee, Jeff Mesaros, Committee Chair

Dr. Mesaros advised of the amount of rules that had been adopted and the amount of rules to be adopted.

2. Special Sterile Compounding, Michele Weizer, Committee Chair

Dr. Weizer advised of the rules that had been adopted and upcoming rules to be discussed.

Motion: by: Dr. Fallon, to approve the rules adopted by the committees. Motion carried.

**TAB 5: DISCIPLINARY CASES – Matthew Witters, Esq. & Debra Glass, BPharm, Chair**

## SETTLEMENT AGREEMENTS - APPEARANCE REQUIRED

SA-1 Mariah H. Patterson, R. PH., Case No. 2015-27857  
(Fallon & Mesaros)

Respondent was present. Respondent was represented by Counsel Bayo.

Dr. Fallon and Dr. Mesaros were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1) (c), Florida Statutes (2015).

**The terms of the Settlement Agreement are:** **Appearance;** \$3,000 fine payable within 90 days from the date of reinstatement of the Respondent's license; **Costs** in the amount of \$1,138.92 payable within 90 days from the date of reinstatement of Respondent's license; **Suspension-** Respondents license shall remain suspended until evaluation by PRN; **Probation-** respondent shall be placed on 1 year probation with the following terms and conditions: (a) respondent shall not serve as PDM of record for any pharmacy permitted within the state of Florida (b) respondent shall not work for more than two pharmacies during each quarter of the probationary period unless respondent obtains written approval from the Board (c) respondent shall submit written reports to compliance officer, reports shall be submitted every three months (d) respondent's employer will submit written reports to the Compliance officer every 3 months (e) tolling provision- in the event the respondent leaves Florida for a period of 30 days or more or otherwise does not engage in the practice of pharmacy for a minimum of 20 hours per week shall be tolled as following: 1. ) The time of probation shall be tolled and 2.) The provisions requiring reports from the respondent shall be tolled (f) respondent shall make a mandatory appearance before the Board during the last 3 months of probation. The board retains the right to extend respondent's term of probation or to impose additional restrictions, conditions or limitations on respondent's license; **CE-** respondent shall complete 12 hour board approved course on the subject of Laws and Rules within one year of filing of final order.

Discussion: Orally amended CE to one course of 12 hour Laws and Rules.

Motion by: Mr. Philip, to accept Settlement Agreement. Motion carried.

SA-2 Yanelis Chacon Aguilera, R.P.T., Case No. 2015-21815  
(Fallon & Alvarez)

Respondent was present. Respondent was represented by Counsel Bayo.

Dr. Fallon and Dr. Alvarez were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1) (o), Florida Statute (2015).

**The terms of the Settlement Agreement are:** **Appearance;** \$1,000 in costs payable within 2 years of filing the final order; **Costs-** \$1,495.63 to be paid within 3 years of filing the final order; **CE-** respondent shall complete 8 hour board approved course on the subject of Laws and Rules within one year of filing of final order.

Discussion: Orally amended CE to one course of 8 hour Ethics.

Motion by: Mr. Philip, to accept Settlement Agreement. Motion carried.

SA-3 Tyrone M. Anderson, R.P.T., Case No. 2015-28565  
(Philip & Meshad)

Respondent was present. Respondent was not represented by Counsel.

Mr. Meshad and Mr. Philip were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1) (h), Florida Statute (2010).

**The terms of the Settlement Agreement are:** **Appearance;** \$1,000 fine payable within 90 days from the date of reinstatement of the Respondent's license; **Costs** in the amount of \$2,618.46 payable within 1 year from the final order is filed; **Suspension-** Respondents license shall remain suspended until the respondent appears before the Board and can demonstrate he is safe to practice his profession. The board retains the right to extend respondent's term of probation or to impose additional restrictions, conditions or limitations on respondent's license; **Evaluation of Treatment-** Respondent shall undergo evaluation facilitated by PRN within 90 days of the filing of the final order; **CE-** respondent shall complete 12 hour board approved course on the subject of Laws and Rules within one year of filing of final order.

Motion by: Dr. Weizer, to dismiss all. Motion carried.

SA-4 Freddie Nicholas Muir, R. PH., Case No. 2015-20031  
(Philip & Meshad)

Respondent was present and sworn in. Respondent was not represented by counsel.

Mr. Philip and Mr. Meshad were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 465.016(1) (g), Florida Statute (2014).

**The terms of the Settlement Agreement are:** **Appearance;** \$1,000 in costs payable within 2 years of filing the final order; **Costs-** \$1,495.63 to be paid within 3 years of filing the final order; **CE-** respondent shall complete 8 hour board approved course on the subject of Laws and Rules within one year of filing of final order.

Motion by: Dr. Weizer, to accept the Settlement Agreement. Motion carried.

SA-5 Scott J. Mangini, R. PH., Case No. 2016-00118  
(Fallon & Weizer)

Respondent was present and sworn in. Respondent was not represented by counsel.

Dr. Weizer and Dr. Fallon were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one- violation of 465.016(1) (r), Florida Statutes (2015) by failing to have an operational sink and adequate sanitation. Count two- violation of 465.016 (1) (r) by failing to inspect the pharmacy shelves every 4 months and or by failing to remove medication. Count three- violation of 465.016(1) (r) Florida Statute (2015) by dispensing a medical drug without a conspicuous and bold expiration date. Count four- violation of 456.016(1) (r), Florida Statutes (2015) by failing to ensure the pharmacy's compliance with Rule 64B16-28.108(2), F.A.C by dispensing a medicinal drug without adequate labeling. Count five- violation of 465.016(1)(r), Florida Statutes (2015) by failing to ensure the Permittees compliance related to the practice by violating Rule 64B16-27.615, F.A.C., by being in possession of sample medicinal drugs. Count six- violation of 465.016(1)(r), FS (2015), through 465.022(11)(a), FS (2015), violation Rule 61N-1.012, F.A.C, count seven- violation of section 465.016(1)(r), F.S. (2015), by violating section 465.015(2)(c), F.S.(2015), count eight- section 465.016(1)(r), F.S. through 465.022(11)(a), F.S. (2015) violating sections 499.005(1) and/or (2), F.S. 2015, and count 9- violation of section 465.016(1)(r), F.S. (2015) through 465.022(11)(a), F.S. 2015 violating sections 499.005(1) and (2), F.S. (2015).

**The terms of the Settlement Agreement are:** **Appearance;** \$10,000 in costs payable within 30 days of filing the final order; **Costs-** \$6,750.00 to be paid within 90 days of filing the final order; **CE-** respondent shall complete 12 hour board approved course on the subject of Laws and Rules within one year of filing of final order. **Probation-** respondent's pharmacist license shall be placed on probation for 2 years at the entry of the final order, subject to the following terms and conditions: a) respondent shall not work at or for more than 2 pharmacies during each quarter of the probationary period unless written approval is obtained from the Board, b) respondent shall submit written reports to the Compliance Office every 3 months in a manner directed by the compliance officer, c) respondent shall ensure that his employer submits written reports to the Compliance Office every 3 months in a manner directed by the compliance officer, d) tolling

provisions, e) respondent shall make a mandatory appearance before the Board of Pharmacy during the last 3 months of probation, f) respondent agrees as owner/operator and corporate representative to run concurrent with respondent's terms of probation as outlined. **Restriction of License-** a) restriction from being PDM for Special Sterile Compounding Pharmacy, for a minimum of 1 year, b) restriction from being PDM for community pharmacy permit for a minimum of 1 year. **Practice location reporting-** respondent shall report to the Board of Pharmacy of all current practice locations within 10 days of the final order filing.

Discussion: Orally amended costs to \$250 instead of \$500.

Motion by: Dr. Mikhael, to accept the Settlement Agreement. Motion carried.

SA-6 Alexander Porro, R. PH., Case No. 2016-07326  
(Mikhael & Glass)

Respondent was present and sworn in. Respondent was represented by counsel.

Ms. Glass and Dr. Mikhael were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 465.016(1) (g), Florida Statute (2015).

**The terms of the Settlement Agreement are:** **Appearance;** \$500 fine payable within 30 days of filing of final order; **Costs** in the amount of \$1,923.79 payable within 90 days of filing of final order; **CE-** respondent shall complete 8 hour board approved course on the subject of Prevention of Medical Errors within 90 days of filing of final order.

Motion by: Dr. Alvarez, to accept the Settlement Agreement. Motion carried.

SA-7 Richard Alonso, R. PH., Case No. 2014-00504  
(Alvarez & Glass)

Respondent was present. Respondent was not represented by counsel.

Ms. Glass and Dr. Alvarez were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1) (x), Florida Statute (2013).

**The terms of the Settlement Agreement are:** **Appearance;** \$2,000 fine payable within 180 days of filing of final order; **Costs** in the amount of \$1,757.14 payable within 180 days of filing

of final order; **CE-** respondent shall complete 12 hour board approved course on the subject of Laws and Rules within one (1) year of filing of final order.

Motion by: Dr. Fallon, to accept the Settlement Agreement. Motion carried.

SA-8 Howard A. Friedman, R. PH., Case No. 2012-14317

(Glass & Meshad)

Respondent was present. Respondent was represented by Counsel Bruce Yegelwel.

Ms. Glass and Mr. Meshad were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1) (k), Florida Statute (2011, 2012) by violating section 465.016(1) (r), Florida Statute (2011, 2012) through violation of section 465.0229(11) (a). Florida Statute (2011, 2012).

**The terms of the Settlement Agreement are:** **Appearance-** respondent shall be present when the SA is presented to the board and under oath will answer all question asked by the Board concerning the case and disposition; **Costs** \$2,204.02 fine payable within 1 year of filing of final order; **CE-** respondent shall complete 12 hour board approved course on the subject of Laws and Rules within one (1) year of filing of final order; **Probation-** respondent shall be placed on 1 year probation subject to the following terms and conditions: a) respondent shall not function as a PDM in any Florida pharmacy during the term or probation EXCEPT for Motto Pharmacy, Inc. permit no. PH19278, b) respondent shall make mandatory appearance before the Board during the last 3 months of probation; **Correction of Alleged Deficiencies-** respondent shall immediately correct and address all deficiencies and violations listed in the Administrative Complaint, to the extent necessary to comply with Florida Law.

Motion by: Mr. Mesaros, to accept the applicant's counsel. Motion carried.

Motion by: Dr. Alvarez, to accept the Settlement Agreement. Motion carried.

SA-9 Motto Pharmacy, Inc., Case No. 2012-11137

(Glass & Meshad)

Respondent was present. Respondent was represented by counsel.

Ms. Glass and Mr. Meshad were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1) (k), Florida Statute (2011, 2012) by violating section 499.005(22), Florida Statute (2011, 2012) and section 456.072(1) (o), Florida Statute (2011, 2012).

**The terms of the Settlement Agreement are:** **Appearance-** respondent shall be present when the SA is presented to the board and under oath will answer all question asked by the Board concerning the case and disposition; **Costs** \$3,238.40 fine payable within 1 year of filing of final order; **Correction of Alleged Deficiencies-** respondent shall immediately correct and address all deficiencies and violations listed in the Administrative Complaint, to the extent necessary to comply with Florida Law

Motion by: Dr. Weizer, to accept the Settlement Agreement. Motion carried.

SA-10 Azizah Bilqis Muhammad, R. PH., Case No. 2015-30498  
(Philip & Meshad)

Respondent was present. Respondent was represented by counsel.

Mr. Philip and Mr. Meshad were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: count 1-violation of section 465.016(1) (g), Florida Statute (2015) and count 2-violation of 465.016(1) (t) 3, Florida Statute (2014)

**The terms of the Settlement Agreement are:** **Appearance-** respondent shall be present when the SA is presented to the board and under oath will answer all question asked by the Board concerning the case and disposition; **Fine-** \$500 fine payable within 30 days of final order filing **Costs** \$2,087.63 fine payable within 90 days of filing of final order; **CE-** respondent shall complete 8 hour board approved course on the subject of Prevention of Medical Errors within 1 year of filing of final order.

Motion by: Dr. Weizer, to accept the Settlement Agreement. Motion carried.

SA-11 Tyler J. Gustman, R. PH., Case No. 2016-07452  
(Weizer & Glass)

Respondent was represented by pharmacist Raymond Solano who was present and sworn in. Respondent was not represented by counsel.

Ms. Glass and Dr. Weizer were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board.  
Allegations of the Administrative Complaint:

**The terms of the Settlement Agreement are:** **Appearance-** respondent shall be present when the SA is presented to the board and under oath will answer all question asked by the Board concerning the case and disposition; **Fine-** \$3,000 fine payable within 30 days of final order filing **Costs** \$2,087.63 fine payable within 90 days of filing of final order; **CE-** respondent shall complete 8 hour board approved course on the subject of Prevention of Medical Errors within 1 year of filing of final order, respondent shall complete 12 hour board approved course on the subject of Laws and Rules within one (1) year of filing of final order. **Probation-** 1 year probation, standard terms, tolling provision and mandatory appearance during last 3 months, Board retains jurisdiction; **Restrictions;** restriction from being PDM 1 year for a pharmacy holding a Special Sterile Compounding Permit with appearance before the Board to life restriction, with Board retaining jurisdiction.

Motion by: Dr. Alvarez, to accept the Settlement Agreement. Motion carried.

#### **DETERMINATION OF WAIVERS**

DOW-1 Tammy Lee Tompa, R.P.T., Case No. 2015-29803  
(Mikhael & Philip)

Respondent was not present. Respondent was not represented by counsel.

Dr. Mikhael and Mr. Philip were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board.  
Allegations of the Administrative Complaint: violation of section 456.072(1) (hh), Florida Statute (2015)

**Motion** by: Dr. Alvarez, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

**Motion** by: Dr. Alvarez, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by: Dr. Alvarez, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.



**Motion:** by: Dr. Alvarez, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: Revocation of License

**Motion:** by: Dr. Weizer, to accept the recommendations of the Department. Motion carried.

DOW-2 Christopher M. Wilcox, R. PH., Case No. 2014-00609  
(Mesaros & Glass)

Respondent was not present. Respondent was not represented by counsel.

Dr. Mesaros and Ms. Glass were recused due to participation on the probable cause panel. Dr. Mikhael chaired during this portion.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one- violation of section 456.016(1) (r), Florida Statute (2014), Count two-violation of 456.072(1) (z), Florida Statute (2014)

**Motion** by: Dr. Fallon, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

**Motion** by: Dr. Fallon, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by: Dr. Fallon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

**Motion:** by: Dr. Fallon, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: Suspension until evaluated by PRN and complies with all terms set by the board after a minimum of one year and fines payable prior to reinstatement

**Motion:** by: Dr. Alvarez, to accept the recommendations of the Department. Dr. Fallon opposed. Motion carried.

DOW-3 Maria Echarri, R.P.T., Case No. 2015-19861  
(Weizer & Fallon)

Respondent was not present. Respondent was not represented by counsel.

Dr. Weizer and Dr. Fallon were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board.  
Allegations of the Administrative Complaint: Count 1- violation of section 456.016(1) (c), F.S. (2015), Count 2- violation of section 456.072(1) (x), F.S. (2015)

Discussion: Matthew Witters states that this case will be moved to the October meeting for updated affidavits to be placed on file.

DOW-4 Whitney Janay Smith, R.P.T., Case No. 2015-26165  
(Weizer & Glass)

Respondent was not present. Respondent was not represented by counsel. Dr. Mikhael chaired for this portion.

Ms. Weizer and Dr. Glass were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board.  
Allegations of the Administrative Complaint: violation of Section 456.072(1) (c), FS (2015)

Motion by: Dr. Fallon, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

Motion by: Dr. Fallon, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: by: Dr. Fallon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by: Dr. Fallon, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: Revocation of the license

Motion: by: Mr. Philip, to deny the recommendations of the Department. Motion carried.

Motion: by: Mr. Philip, for suspension of the license for one year and fines to be paid within one year of reinstatement. Dr. Fallon and Mr. Bisailon oppose. Motion carried.

Motion: by: Dr. Alvarez, to accept the Department's costs. Motion carried.

DOW-5 Odalys Del Carmen Borrego, R.P.T., Case No. 2015-19929  
(Weizer & Meshad)

Respondent was not present. Respondent was not represented by counsel.

Ms. Weizer and Mr. Meshad were recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: count 1- violation of Section 456.072(1)(c), FS (2015), count 2- violation of section 456.072(1)(II), FS (2015), count 3- violation of section 456.072(1)(x), FS (2015)

Motion by: Dr. Fallon, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

Motion by: Dr. Fallon, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: by: Dr. Fallon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by: Dr. Fallon, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: Revocation of License, Motion for costs withdrawn

Motion: by: Dr. Fallon, to accept the recommendations of the Department. Motion carried.

DOW-6 Lindsay Marie Wolfe, R.Ph., Case No. 2013-12897  
(Glass & Mikhael)

Respondent was present. Respondent was represented by Counsel Steven Brownlee.

Dr. Glass and Dr. Mikhael were recused due to participation on the probable cause panel. Mr. Philip chaired for this portion.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: count 1- violation of Section 456.072(1) (c), FS (20111-12-15), count 2- violation of 456.072(1) (x), FS 2015

Motion by: Dr. Weizer, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

Motion by: Dr. Weizer, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: by: Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by: Dr. Weizer, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: Comply with the terms of her PRN contract and costs

Motion: by: Dr. Weizer, to accept the recommendations of the Department. Motion carried.

Motion: by: Dr. Weizer, to accept the Department's costs and made payable within one year. Motion carried.

### **VOLUNTARY RELINQUISHMENTS**

VR-1 Valcho Pharmacy Discount, Inc., Case No. 2016-08794  
(PCP Waived)

Motion: by: Dr. Weizer, to accept Voluntary Relinquishments. Motion carried.

VR-2 Lisa Natalie Edmunds, R.P.T., Case No. 2015-29393  
(Philip & Meshad)

Motion: by: Dr. Weizer, to accept Voluntary Relinquishments. Motion carried.

VR-3 Mary Catherine Denaro, R.P.T., Case No. 2016-13554  
(PCP Waived)

Motion: by: Dr. Weizer, to accept Voluntary Relinquishments. Motion carried.

VR-4 Genesis Pharmacy Corp., Case No. 2015-16966  
(Weizer & Philip)

Motion: by: Dr. Mikhael, to accept Voluntary Relinquishments. Motion carried.

VR-5 Delta Drug Discount, Corp., Case No. 2015-04358  
(PCP Waived)

Motion: by: Dr. Weizer, to accept Voluntary Relinquishments. Motion carried.

~~VR-6 Daniel Suarez, R.P.T., Case No. 2015-30626~~  
~~\_\_\_\_\_ (Fallon & Alvarez)~~

~~Motion: by \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.~~

Discussion: VR is withdrawn.

VR-7 Matthew Bryan Caniff, R.P.T., Case No. 2016-12875  
(PCP Waived)

Motion: by: Dr. Weizer, to accept Voluntary Relinquishments. Motion carried.

VR-8 Eklis Rebeca Almanza, R.P.T., Case No. 2015-19906  
(Philip & Meshad)

Motion: by: Dr. Weizer, to accept Voluntary Relinquishments. Motion carried.

Mr. Witters stated the inventory is 377 cases, down to 287 cases.

Mr. Witters stated we currently have 78 cases that are 1 year or older and asked the Board to consider allowing to continue to prosecute those cases.

Motion: by: Dr. Weizer, to allow PSU to continue prosecuting cases one year and older. Motion carried.

## **TAB 6: LICENSURE ISSUES**

### **A. Petition for Termination of Probation**

#### **1. Professional Pharmacy & Compounding Services, LLC, PH28410**

Respondent was not present. Respondent was not represented by counsel.

Discussion: The board determined no motion was needed. Probation terminated.

#### **2. Jacqueline Tracy, PS34090, Case No. 2008-20490**

Respondent was present and sworn in. Respondent was not represented by counsel.

Motion: by: Dr. Weizer, to accept termination of probation on the basis that Ms. Tracy continue to comply with PRN. Motion carried.

#### **3. Alan Wingerter, PS14151, Case No. 2014-11272**

Respondent was not present and sworn in. Respondent was not represented by counsel.

Discussion: The applicant had a required appearance at either the September or October meeting. The board move to continue to October and require the applicant's appearance.

#### **4. Samir Amin, PS28174, Case No. 2012-13506**

Respondent was present and sworn in. Respondent was represented by counsel  
Bayo.

Motion: by: Dr. Fallon, to accept termination of probation. Motion carried.

5. Ismail Mohamad, PS36447, Case No. 2010-12514

Respondent was present and sworn in. Respondent was represented by counsel  
Bayo.

Motion: by: Dr. Fallon, to accept termination of probation. Motion carried.

6. Michael Donato, PS51549, Case No. 2012-02328

Respondent was present and sworn in. Respondent was represented by counsel  
Bayo.

Motion: by: Dr. Mikhael, to accept termination of probation. Motion carried.

7. Germaine Pharmacy & Compounding, PH27338, Case No. 2014-19179

Respondent was present and sworn in. Respondent was not represented by counsel.

Motion: by: Mr. Mesaros, to accept termination of probation based on review of passing of semi-annual inspections. Motion carried.

#### B. Request to lift permanent practice restriction

1. Lindsay Marie Wall, PS45441, Case No. 2013-12897

Respondent was present and sworn in. Respondent was represented by Counsel Steven  
Brownlee.

Motion: by: Dr. Weizer, to accept request to lift permanent practice restriction with restrictions based on ESO. Motion carried

2. Dennis Sagey Hamilton, PS38458, Case No. 2015-30258

Respondent was not present and sworn in. Respondent was represented by counsel  
Bayo.

Motion: by: Dr. Weizer, to accept request to lift permanent practice restriction. Motion carried

3. Mariah H. Patterson, PS38608, Case No. 2015-27857

Respondent was present and sworn in. Respondent was represented by counsel  
Bayo.

Motion: by: Dr. Mikhael, to accept request to lift permanent practice restriction.  
Motion carried

**Public Comment:**

Mr. Mesaros discussed the District three meeting coming up and what is to be expected.

Mr. Philip discussed the discipline process and how to consider being consistent with all applicants in the future.

Motion: Dr. Fallon, to adjourn at 12:58 p.m. Motion carried.